



MAR 15 1999

3589
Mr. Keith L. Brickey
Vice President, Quality Assurance
Armour Swift-Eckrich, ConAgra, Inc.
2001 Butterfield Road
Downers Grove, Illinois 60515

Dear Mr. Brickey:

Some time ago, I spoke with ConAgra and discussed issues with you concerning the stay of the effective date for use of the term "healthy." Today, I wish to inform you that we are extending the partial stay of the effective date until January 1, 2003. The comments in response to the Advanced Notice of Proposed Rulemaking (ANPRM), which published on December 30, 1997 (62 FR 67771), presented strong and opposing views on whether the Food and Drug Administration should let the second-tier sodium levels take effect.

After reviewing the comments and making an assessment of the number of foods labeled as "healthy," we concluded that reevaluation and amendment of the definition might be necessary. To provide us with adequate time to consider this issue, we have decided to extend the effective date an additional three years.

We also wanted you to know that because use of the term "healthy" is not among the issues identified in CFSAN's 1999 program priorities list, it is not likely that we will publish a proposed position during the next 12 months, but a proposal will be considered for the year 2000 plan. The comments that you made, both at our recent meeting and in response to the ANPRM, will be considered and incorporated in any proposal. I enjoyed the chance to meet and discuss these issues with you. I apologize for the time it has taken to reach this decision.

Sincerely yours,

Joseph Levitt
Director
Center for Food Safety
and Applied Nutrition

91N-38414

LET6

Page 2 - Mr. Keith L. Brickey

cc:

Mr. Bruce Rohde
Chairman and CEO
ConAgra, Inc.
One ConAgra Drive
Omaha, Nebraska 68102

Mr. Stein I. Hordvik
Vice President, Quality Assurance
Frozen Foods Division, ConAgra, Inc.
Six Con-Agra Drive
Omaha, Nebraska 68102

Mr. David H. Ashton
Senior Director, Research and Development
Hunt Wesson, ConAgra, Inc.
1645 West Valencia
Fullerton, California 92633

Ms. Sandra D. Morar
McGrath, North, Mullin & Kratz, P.C.
Suite 1400, One Central Park Plaza
222 South 15th Street
Omaha, Nebraska 68102

CROSS FILE SHEET

File Number: 96P 0500/LET3

See File Number: 91N-384H/LET6